REMARKS/ARGUMENTS

The Examiner states that the inventions of Groups I and II are patentably distinct, because the invention of Group I is to an agent containing RGD-CAP and a method of using RGD-CAP, while Group II is drawn to a method of suppressing mineralization and adhesion in the periodontal ligament by over expressing RGD-CAP and the over expression of Group II could be accomplished by treatment of the periodontal cells with any compound capable of inducing RGD-CAP expression.

However, the Examiner has offered no example of a compound capable of inducing RGD-CAP expression and it is clear that the operative material in the claims of both Group I and II is RGD-CAP, and the action to be accomplished is the same in both instances, i.e., suppressing mineralization in the periodontal ligament and preventing adhesion. Therefore, it is clear that the inventions of Groups I and II are related as product and process of using the product under M.P.E.P. §806.05(h). Since Applicant has not met the requirements for restriction of M.P.E.P. §806.05(h), it is requested that the claims of Groups I and II be rejoined and examined in the present application.

Further, Applicants traverse the restriction requirement on the grounds that the Patent and Trademark Office has not shown that a burden exists in searching all of the claims. Applicants respectfully point out that thousands of U.S. patents have issued in which many more than two subclasses have been searched, and the Patent and Trademark Office cannot reasonably assert that a burden exists in searching only two subclasses.

Accordingly, for the reasons presented above, Applicants submit that the Patent and Trademark Office has failed to meet the burden necessary to sustain the restriction requirement. Withdrawal of the restriction requirement is respectfully requested.

Respectfully submitted,

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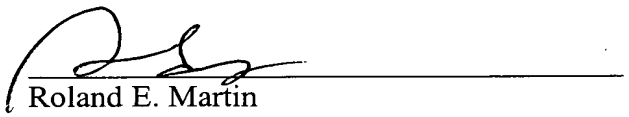

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